THE HON'BLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITION NO:16926 of 2005

Dated:02nd August, 2005

Between:

A.V.S.Reddy

…PETITIONER

and

1. The Depot Manager, APSRTC, Tadipatri Depot,

Tadipatri, Anantapur District, and 2 others.

…RESPONDENTS

ORDER:

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This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent dated 17-06-2002 which was confirmed by the second and third

respondents, under which a major penalty of withholding of annual increment for a period of one year with cumulative effect was imposed without conducting a regular departmental enquiry.

2. According to the petitioner, he was appointed as a Driver on 01-08-1990 in the respondent-Corporation. While he was working as such, he was charge sheeted on 30-12-2000 for causing an accident to the vehicle and he was asked to submit his explanation. Accordingly, the petitioner submitted his explanation. But the first respondent passed a final order imposing major penalty. If the first respondent was not satisfied with the explanation submitted by the petitioner, ought to have ordered regular departmental enquiry. Therefore, the petitioner has come up with the present writ petition, assailing the said order, which was confirmed by the respondents 2 and 3 in appeal and review.

3. At the time of hearing, the learned counsel for the petitioner contended that the impugned order of imposing major penalty without conducting domestic enquiry is illegal and unsustainable, in the light of the judgments of this Court as well as the Supreme Court.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel.

5. In view of the legal position, that major penalty cannot be imposed unless a regular enquiry is conducted, the impugned order is unsustainable. However, as the impugned order was passed as early as on 17-06-2002, this Court inclined to modify the order from the major penalty to that of minor penalty.

6. Accordingly, the impugned order is modified restricting the withholding of annual increment for a period of one year without cumulative effect. However, it is made clear that the monetary benefit to which the petitioner is entitled as per the order of this Court shall be available only from the date of order and not

prior to the date of the order.

7. The writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

02nd August, 2005

SKM